

REMARKS

Upon entry of this amendment claims 4, 6-9 and 15-36 will be pending, of which claims 4, 6, 15, 24 and 27 are independent. New claims 28-49 were added to recite a kit as well as additional delivery system (e.g., tablet and capsule) claims and are supported throughout the specification, for example, at page 8. Accordingly, no new matter has been added.

The specification and Claim 9 stand objected to for various spelling errors. The Applicants have corrected these errors by the above amendments and respectfully request withdrawal of these objections.

Claims 1-8, 10, 12, 14-16 and 18-27 stand rejected under 35 USC §102(b) as being anticipated by Japanese Patent No. 04-096993 (herein after JP '993). In addition, claims 1-8 and 10-27 stand rejected under 35 USC §102(b) as being anticipated by the "Sport-Horse Supreme" printed publication. Applicants submit the amendments to the claims render these rejections to the claims, in-part, moot. With regard to the remaining claims, it is submitted that none of the references teach a delivery system, for example tablets, capsules or kits, and/or a method for alleviating the deleterious effects of alcohol consumption with a composition comprising activated charcoal and limestone. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

Claims 1-27 stand rejected under 35 USC 102(b) as being in public use or on sale by the "Chaser" publication. Applicants assert that the cited use was not a public use or sale, and refer the Examiner to the declaration of Tom Morse, the President of Innovation Ventures. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Amendment

U.S. Serial No. 10/042,283

Page 9

CONCLUSION

Since the prior art of record does not disclose or suggest the invention as disclosed and claimed herein, the present application is believed to be in condition for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Paul L. Sharer

Registration No. 36,004

PLS/CMB

1600 Tysons Boulevard

McLean, Virginia 22102

(703) 905-2000 Telephone

(703) 905-2500 Facsimile

Date: July 16, 2003

Attorney Reference: 019264/0283269

Attachment: 1.132 Declaration by Thomas Morse